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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,784	11/30/2000	Kevin Wigen	PA1666US	2694
22830	7590	06/02/2005	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			MAHMOUDI, HASSAN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,784

Applicant(s)

WIGGEN ET AL

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 21-March-2005, claims 18-36 are presently pending in the application, of which, claims 18 and 29 are presented in independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boggs et al (U.S. Patent No. 6,081,812) in view of Schwartz et al (U.S. Patent No. 6,529,478.)

As to claim 18, Boggs et al teaches a method (see Abstract) of transferring data (see column 10, lines 16-18) that maintains data integrity (see column 19, lines 54-58), the method comprising:

setting metadata associated with the data (see column 18, lines 44-49);

transferring the data from a data system to a file system (see column 9, lines 27-29, see column 26, lines 35-40, and see column 31, lines 36-45);

determining whether the transfer of the data was successful (see column 19, line 54 through column 20, line 3, and see column 29, lines 5-10); and

setting the metadata to indicate the successful transfer in response to the determination that the transfer of the data was successful (see column 19, lines 61-65.)

Boggs et al does not teach the metadata to indicate initiation of a transfer of the data;

Swartz et al teaches a pass/drop apparatus (see Abstract)l in which he teaches metadata to indicate initiation of a transfer of the data (see Abstract, and see column 7, line 66 through column 8, line 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Boggs et al to include metadata to indicate initiation of a transfer of the data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Boggs et al by the teaching of Schwartz et al, because including metadata to indicate initiation of a transfer of the data, would enable the packet meta-data to effectively provide for output queuing of information used in making the pass/drop decision, as taught by Schwartz et al (see column 8, lines 29-47.)

As to claims 19 and 30, Boggs et al as modified, teaches further comprising transferring the data from the data system to the file system in response to the determination that the transfer of the data was unsuccessful (see Boggs et al, column 7, lines 36-56, and see column 31, line 30 through column 32, line 24.)

As to claims 20 and 23, Boggs et al as modified, teaches further comprising initiating an error handling process in response to the determination that the transfer of the data was

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unsuccessful (see Boggs et al, column 12, lines 15-30, and see column 31, line 30 through column 32, line 24.)

As to claims 21 and 31, Boggs et al as modified, teaches further comprising:

setting the metadata to indicate initiation of a deletion of the data (see Schwartz et al, column 8, lines 22-31);

deleting the data (see Schwartz et al, column 8, lines 22-27);

determining whether the deletion of the data was successful (see Schwartz et al, column 2, line 65 through column 3, line 4); and

setting the metadata to indicate the successful deletion in response to the determination that the deletion of the data was successful (see Schwartz et al, column 3, line 4-10.)

As to claims 22 and 32, Boggs et al as modified, teaches further comprising deleting the data in response to the determination that the deletion of the data was unsuccessful (see Schwartz et al, column 9, line 63 through column 10, line 19.)

As to claims 24 and 33, Boggs et al as modified, teaches further comprising:

receiving the data into the data system from an external source (see Boggs et al, figure 2, column 15, lines 10-13; and see column 19, lines 9-31);

ensuring the integrity of the data in the data system (see Boggs et al, column 19, lines 54-58.)

As to claims 25 and 34, Boggs et al as modified, teaches wherein the metadata comprises a state flag that indicate a state of the data (see Boggs et al, column 19, lines 44-46, and see column 30, lines 33-37.)

As to claims 26 and 35, Boggs et al as modified, teaches wherein the metadata comprises a state flag that indicate copies of the data (see Boggs et al, column 26, lines 22-27, see column 27, lines 14-26, and see column 30, lines 33-37.)

As to claims 27 and 36, Boggs et al as modified, teaches further comprising processing the metadata to determine where the copies of the data resides (see Schwartz et al, column 2, lines 37-55.)

As to claim 28, Boggs et al as modified, teaches further comprising using filters when transferring the data (see Boggs et al, column 15, lines 50-58, where “filters” is read on “monitoring and controlling devices”, and see column 19, line 54 through column 20, line 4.)

As to claim 29, Boggs et al teaches system (see Abstract) for transferring data (see column 10, lines 16-18) that maintains data integrity (see column 19, lines 54-58), the system comprising:

a file system (see column 18, lines 63-66);

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a data system (see column 3, lines 9-11, and see column 18, lines 34-40) configured to transfer the data to the file system (see column 18, lines 63-66, and see column 26, lines 21-40); and

a management system (see figure 7, and see column 4, lines 64-67) configured to set metadata associated with the data to indicate initiation of a transfer of the data, determine whether the transfer of the data was successful, and set the metadata to indicate a successful transfer in response to a positive determination that the transfer of the data was successful (for the remaining steps of this claim, the applicant is kindly directed to the remarks and discussions made in claim 18 above.)

Response to Arguments

4. Applicant's arguments filed 21-March-2005 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

In response to the applicants' arguments that "neither Boggs, Schwartz, nor he combination of Boggs and Schwartz teach or suggest all the claim limitation of claim 18", and that "claim 18 recites that the metadata is set to indicate the transfer of data was successful and not that the exportation of metadata was successful as taught in Boggs", the arguments have been fully considered but are not deemed persuasive. Boggs et al teaches, "The VSI mutation number is incremented whenever there is a major state change related to that VSI 602 (such as when a VSI is successfully exported to a network)", in column 19, lines 61-65, where "transfer of the data" is read on "exporting VSI to a network".

In response to the applicants' arguments that "Applicants fail to see how Boggs specifically teaches or suggests transferring data from a data system to a file system", the arguments have been fully considered but are not deemed persuasive, because Boggs et al teaches, "However, the present invention differs from other computer architectures in that storage resources 104 in the present invention are not directly managed by the compute nodes 200. This difference makes it impractical to simply bind local authorization data to file system entities" (see column 18, lines 29-36, where "transferring" is read on "binding", and "data system" is read on "local authorization data".)

In response to the applicants' arguments that, "Applicants fail to see how Schwartz teaches or suggests that the metadata indicates an initiation of a transfer of data", and that "none of this information suggests an initiation of a transfer of data", the arguments have been fully considered but are not deemed persuasive. The "initiation of transfer of data", is taught by Schwartz et al in "If the packet meta-data processor 23 determines, after receiving a meta-data packet for a packet, that the output port module 21(n) that is to transmit the packet has the capacity to receive and transmit the packet, the packet meta-data processor 23 will provide the meta-data packet for the packet to the output port module 21(n), which, in turn, will initiate forwarding of the packet to it (that is, the output port module 21(n)) by the input port module 20(n) to facilitate transmission of the packet by the output port module 21(n)" (column 8, lines 5-14.)

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

May 16, 2005


SAM RIMELL
PRIMARY EXAMINER